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Remarks

Claims 18-19 and 38-39 are canceled. Claims 14-17, 20-21, 34-37 and 40-41 are pending.

The Examiner rejected Claims 18-19 and 38-39 under 35 U.S.C. § 112, second paragraph, as being indefinite for their dependence upon canceled Claims 1 and 22. Claims 18-19 and 38-39 are therefore canceled.

The Examiner rejected Claims 14-17, 20-21, 34-37 and 40-41 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,925,292 ("Syrjarinne"). With respect to independent Claims 14 and 34, the Examiner states:

With respect to claim 14, Syrjarinne et al. disclose a method for determining an operating frequency of an oscillator based on a reference signal from a reliable time base in figure 2 (Abstract). Syrjarinne et al. disclose detecting a beginning time point of the reference signal received by the communication device and enabling a counter to count in accordance with a clock signal derived from an oscillator (Column 8, lines 16-21). Syrjarinne et al. also disclose detecting an ending point of the reference signal and disabling the counter to stop the counter (Column 8, lines 28-35). Syrjarinne et al. further disclose determining the frequency of the oscillator based on the count in the counter and an expected time that elapsed between the beginning time point and the ending time point (Column 8, lines 38-58).

\* \* \*

With respect to claim 34, Syrjarinne et al. disclose an oscillator frequency determining apparatus in a communication device (Abstract). Syrjarinne et al. disclose an oscillator, element number 18, providing a periodic output signal (Column 8, lines 39-41). Syrjarinne et al. also disclose a receiver, element number 11, receiving a reference signal from a reliable time base (Column 8, lines 16-21). Syrjarinne et al. teach a detector detecting a beginning time point and an ending time point of the reference signal received by the communication device and a counter that begins counting the number of periods in the output signal of the oscillator in response to the detector

detecting the beginning time point and stops counter in response to the detector detecting the ending time point of the reference signal (Column 8, lines 28-35). Syrjarinne et al. further disclose and arithmetic unit for determining the frequency of the oscillator based on the count in the counter and an expected time that elapsed between the beginning time point and the ending time point (Column 8, lines 38-58).

Applicants respectfully submit that the Examiner is mistaken. Contrary to the Examiner's contention, Syrjarinne col. 8, lines 38-58 does not teach or suggest determining a frequency of an oscillator:

... (The GPS local clock/oscillator 18 is typically a 50 MHz oscillator, giving a so-called jitter of only 6 m, determined from the formula  $1/50 \times 10^6 \times c$ , where  $c$  is the speed of light). In a next step 38, the GPS time obtained as a by-product of the PVT solution is corrected for the difference in time between the instant at which the PVT solution was provided and the instant at which the trigger arrived in the GPS module, so as to obtain the GPS time corresponding to the trigger, thus relating a frame edge instant of arrival (for a frame with a known frame number) to GPS time. In a next (optional) step 39, the above steps are repeated periodically, so as to obtain values for GPS time for several sequential frame edges, and the base station or the GPS receiver can then estimate the clock drift for the base station clock (not shown) used in timing frame transmissions. In next step 40, the GPS module sends the GPS time for the instant it received the trigger to the cellular module (along with, optionally, a corresponding position determination, as described below), and the cellular sends the information to the base station in an uplink frame.

(Syrjarinne, at col. 8, lines 38-58)

Thus, Syrjarinne discloses using the counter to find the GPS time corresponding to a frame edge, and repeating the method to obtain the GPS times for several frame edges to estimate the clock drift. Syrjarinne does not disclose or suggest a frequency determination. In contrast, as recited in Applicants' Claims 14 and 34, the present invention determines a frequency of an oscillator from the count in the counter and the expected time interval (i.e., no determination of GPS times is recited):

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14. In communication device, a method for determining an operating frequency of an oscillator based on a reference signal from a reliable time base, comprising:

detecting a beginning time point of the reference signal received by the communication device;

upon detection of the beginning time point of the reference signal, enabling a counter to count in accordance with a clock signal derived from the oscillator;

detecting an ending time point of the reference signal received by the communication device;

upon detecting the ending time point of the reference signal, disabling the counter to stop the counter from further counting; and

determining the frequency of the oscillator based on the count in the counter and an expected time that elapsed between the beginning time point and the ending time point.

\* \* \*

34. An oscillator frequency determining apparatus in a communication device, comprising:

an oscillator providing a periodic output signal;

a receiver receiving a reference signal from a reliable time base;

a detector detecting a beginning time point and an ending time point of the reference signal received by the communication device;

a counter that begins counting the number of periods in the output signal of the oscillator in response to the detector detecting the beginning time point and stops counter in response to the detector detecting the ending time point of the reference signal; and

arithmetic unit for determining the frequency of the oscillator based on the count in the counter and an expected time that elapsed between the beginning time point and the ending time point.

(emphasis added)

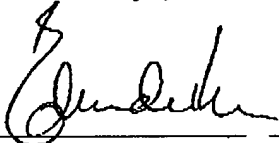
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Therefore, Applicants respectfully submit that Syrjarinne's col. 8, lines 38-58 neither discloses nor suggests Applicants' Claims 14 and 34, each reciting determining the frequency of an oscillator. Accordingly, Claims 14 and 34 and their dependent Claims 15-17, 20-21, 35-37 and 40-41 are each allowable over Syrjarinne. Reconsideration and allowance of Claims 14-17, 20-21, 34-37 and 40-41 are therefore requested.

If the Examiner has any question regarding the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant at (408)-392-9250.

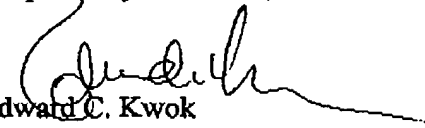
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